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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,528	02/13/2006	Gunther Beisel	FI-57PCT	2856
40570	7590	09/08/2008		
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NEW YORK, NY 10017				
EXAMINER				
VU, JAKE MINH				
ART UNIT		PAPER NUMBER		
1618				
MAIL DATE		DELIVERY MODE		
09/08/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10539528	2/13/2006	BEISEL, GUNTHER	FI-57PCT

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EXAMINER

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ART UNIT	PAPER
1618	20080913

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Commissioner for Patents

Notice of Non-Responsive Amendment

The reply filed on 06/26/2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant failed to properly respond to the Restriction Requirement filed on 04/21/2008, in which an election is required for a composition (claims 1-10) or the use of a composition (claims 11-16). Applicant responded by cancelling claims 1-16 and adding new claims pertaining to an apparatus (claims 17-27) and the use of a composition in an apparatus (see claims 28-38), in which apparatus was never in the original or amended claims filed on 06/17/2005. Note, "use" claims are improper claims; it should be "method" claims.

See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

/Michael G. Hartley/
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